

**BEFORE THE WATER RESOURCES DEPARTMENT  
FOR THE  
STATE OF OREGON**

In the Matter of the Completion of a Change	)	DETERMINATION OF
in Place of Use Under Transfer Application	)	SATISFACTORY PROOF OF
T-11496, Jackson County	)	COMPLETION FOR A PERMANENT
	)	DISTRICT TRANSFER

**Authority**

Oregon Administrative Rule (OAR) 690-385-7400 describes the documentation the district must file with the Department in order to provide proof of use.

OAR 690-385-7600 provides in pertinent part that satisfactory proof shall be (a) a determination by the Department that application of water to beneficial use under the terms of the transfer final order was completed to the extent authorized, or (b) a determination by the Department that the application of water to a beneficial use under the terms of the transfer final order was completed to an extent less than authorized.

Oregon Revised Statue (ORS) 540.530(2)(a) and OAR 690-385-7600 authorize the Department to issue or modify a certificate of water right upon satisfactory proof of completion of the change or changes authorized by a final order approving a permanent district transfer.

**Applicant**

TALENT OREGON IRRIGATION DISTRICT  
PO BOX 467  
TALENT, OR 97540

**Findings of Fact**

1. On June 19, 2014, the Department issued a final order, which is recorded in Special Order Volume 92, Pages 903-908, approving Transfer Application T-11496 involving Certificates 79212 and 83727. The final order established October 1, 2015, as the date for completion of the authorized changes in place of use.
2. On September 17, 2014, the Department received a Claim of Beneficial Use (CBU) and associated maps from the applicant for Transfer Application T-11496.
3. On July 20, 2017, the Department received an amended place of use table and amended site reports and maps, thereby satisfying the requirements for proof of use under OAR 690-385-7400.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. The Department reviewed the CBU and map(s) submitted by the applicant for Transfer Application T-11496.
5. The CBU did not contain a map of the point of diversion from the source. However, since the transfer involved the transfer of places of use only within an irrigation district and did not involve a change in the point of diversion, the existing maps on file with the Department are sufficient to identify the point of diversion from the source.
6. The proposed place of use as approved the final order for Transfer Application T-11496, and as recorded in Special Order Volume 92, Pages 903-908 is shown in the table below:

**Table 1:**

PRIMARY IRRIGATION UNDER 79212								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	2W	WM	33	SW SW	0.05	1402	MARCA	11-1
38S	1E	WM	32	SW SW	1.40	2201	GREENE TRUST	09-6
38S	1E	WM	32	SE SE	1.60	2201	GREENE TRUST	09-6
38S	1W	WM	12	SE NW	4.05	400	QUINOWSKI	10-1
38S	2W	WM	2	NE SE	0.23	3500	MERCIER	11-3
38S	2W	WM	3	NE NE	0.32	6500	SABO	11-5
38S	2W	WM	3	NW SE	0.11	6500	SABO	11-5
39S	1E	WM	14	SE SW	0.22	5600	HARRIS	11-2
<b>Total:</b>					<b>7.98</b>			
PRIMARY IRRIGATION UNDER CERTIFICATE 83727								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	2W	WM	33	SW SW	0.25	1402	MARCA	11-1
37S	2W	WM	33	SE SW	0.80	1402	MARCA	11-1
38S	2W	WM	4	NW NW	0.70	1402	MARCA	11-1
38S	2W	WM	4	NE NW	0.20	1402	MARCA	11-1
38S	2W	WM	4	NW NW	2.80	2902	MARCA	11-1
38S	2W	WM	4	NE NW	2.10	2902	MARCA	11-1
38S	2W	WM	2	NW NE	0.12	4200	SW MEDFORD LLC	11-1
39S	1E	WM	2	SE NE	0.40	227	BEEMAN/WATKINS	07-2
39S	1E	WM	2	NE SE	2.60	227	BEEMAN/WATKINS	07-2
39S	1E	WM	15	SW SE	0.50	1500	ADAM	8-1
<b>Total:</b>					<b>10.47</b>			
SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 83727								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	2W	WM	33	SW SW	0.05	1402	MARCA	11-1
38S	1E	WM	32	SW SW	1.40	2201	GREENE TRUST	09-6
38S	1E	WM	32	SE SE	1.60	2201	GREENE TRUST	09-6
38S	1W	WM	12	SE NW	4.05	400	QUINOWSKI	10-1
38S	2W	WM	2	NE SE	0.23	3500	MERCIER	11-3
38S	2W	WM	3	NE NE	0.32	6500	SABO	11-5
38S	2W	WM	3	NW SE	0.11	6500	SABO	11-5
39S	1E	WM	14	SE SW	0.22	5600	HARRIS	11-2
<b>Total:</b>					<b>7.98</b>			

7. Information in the CBU indicates some water user(s) and tax lot number(s) have changed subsequent to the issuance of the final order approving Transfer Application T-11496 on some parcels affected by the transfer. In addition, scrivener's errors in the final order incorrectly described the location of some of the parcels affected by the transfer. Any such changes as identified in the CBU and associated maps, or corrections to location descriptions are shown in **BOLD** in the table below.

**Table 2:**

PRIMARY IRRIGATION UNDER 79212								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	2W	WM	33	SW SW	0.05	1402	MARCA	11-1
38S	1E	WM	32	SW SW	0.40	<b>4101</b>	GREENE TRUST	09-6
38S	1E	WM	32	SW SW	0.70	<b>4202</b>	GREENE TRUST	09-6
38S	1E	WM	32	SW SW	0.30	<b>4104</b>	GREENE TRUST	09-6
38S	1E	WM	<b>31</b>	SE SE	0.30	<b>4102</b>	GREENE TRUST	09-6
38S	1E	WM	<b>31</b>	SE SE	0.70	<b>4104</b>	GREENE TRUST	09-6
38S	1E	WM	<b>31</b>	SE SE	0.60	<b>4105</b>	GREENE TRUST	09-6
38S	1W	WM	12	SE NW	4.05	<b>401</b>	QUINOWSKI	10-1
38S	2W	WM	2	NE SE	0.23	3500	MERCIER	11-3
38S	2W	WM	3	NE NE	0.32	6500	SABO	11-5
38S	2W	WM	3	<b>NW NE</b>	0.11	6500	SABO	11-5
39S	1E	WM	14	SE SW	0.22	5600	HARRIS	11-2
Total:					7.98			
PRIMARY IRRIGATION UNDER CERTIFICATE 83727								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	2W	WM	33	SW SW	0.25	1402	MARCA	11-1
37S	2W	WM	33	SE SW	0.80	1402	MARCA	11-1
38S	2W	WM	4	NW NW	0.70	1402	MARCA	11-1
38S	2W	WM	4	NE NW	0.20	1402	MARCA	11-1
38S	2W	WM	4	NW NW	2.80	2902	<b>JONES</b>	11-1
38S	2W	WM	4	NE NW	2.10	2902	<b>JONES</b>	11-1
38S	2W	WM	2	NW NE	0.12	4200	SW MEDFORD LLC	11-1
39S	1E	WM	2	SE NE	0.40	227	<b>THOMPSON/STONE</b>	07-2
39S	1E	WM	2	NE SE	2.60	227	<b>THOMPSON/STONE</b>	07-2
39S	1E	WM	15	SW SE	0.50	1500	ADAM	8-1
Total:					10.47			

**Table 2 con't:**

SUPPLEMENTAL IRRIGATION UNDER CERTIFICATE 83727								
Twp	Rng	Mer	Sec	Q-Q	Acres	Tax Lot	User	Notice
37S	2W	WM	33	SW SW	0.05	1402	MARCA	11-1
38S	1E	WM	32	SW SW	0.40	4101	GREENE TRUST	09-6
38S	1E	WM	32	SW SW	0.70	4202	GREENE TRUST	09-6
38S	1E	WM	32	SW SW	0.30	4104	GREENE TRUST	09-6
38S	1E	WM	31	SE SE	0.30	4102	GREENE TRUST	09-6
38S	1E	WM	31	SE SE	0.70	4104	GREENE TRUST	09-6
38S	1E	WM	31	SE SE	0.60	4105	GREENE TRUST	09-6
38S	1W	WM	12	SE NW	4.05	401	QUINOWSKI	10-1
38S	2W	WM	2	NE SE	0.23	3500	MERCIER	11-3
38S	2W	WM	3	NE NE	0.32	6500	SABO	11-5
38S	2W	WM	3	NW NE	0.11	6500	SABO	11-5
39S	1E	WM	14	SE SW	0.22	5600	HARRIS	11-2
Total:					7.98			

8. Based on the review of evidence submitted by the applicant, the department finds that the application of water to beneficial use under the terms of the transfer final order for T-11946 was completed to the extent authorized in the transfer as described in Table 2.

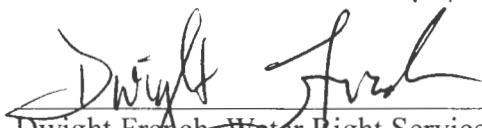
**Conclusions of Law**

1. The Applicant has submitted proof of use pursuant to OAR 690-385-7400.
2. Application of water to a beneficial use under the terms of the transfer final order has been made to the extent shown in Table 2, above.
3. The applicant has demonstrated proof of completion under T-11496 to the satisfaction of the department.
4. The Department is authorized to issue or modify certificates of water rights involved in transfer T-11496 consistent with this determination of satisfactory proof of completion.

**Now, therefore, it is ORDERED:**

Water right certificates 79212 and 83727 are modified as shown in Table 2, above. The Department will issue superseding certificates describing these rights when it determines it is necessary for record keeping.

Signed at Salem, Oregon this 19 day of September, 2017.

  
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 Dwight French, Water Right Services Administrator for  
 Thomas M. Byler, Director  
 Oregon Department of Water Resources

Mailing date: SEP 20 2017